HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.9241 of 2007

Dated:27.04.2007

Between:

Majji Narsu Naidu

…Petitioner

And:

Government of A.P., reptd., by its Principal Secretary, Revenue, Secretariat, Hyderabad and another.

…

Respondents

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HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.9241 of 2007

ORDER:

Petitioner states that he is the absolute owner and possessor of land to an extent of Ac.0-22 cents in Sy.No.98/10, Patta No.35, situated in Karothugaruvu, Adivivaram Village, Chinnagadili Mandal, Visakhapatnam District. It is stated that he entered into an agreement of sale in respect of the said land with the intending purchasers and accordingly, approached the second

respondent, to register the same. The grievance of the petitioner is that the second respondent is not accepting any documents for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said Survey Number. This writ petition is filed seeking appropriate directions to the respondents, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1]***.***

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Indian Stamp Act and the Registration Act.

Hence, the Writ Petition is disposed of, directing the second respondent to receive and process the

documents that may be presented by the petitioner and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act. There shall be no order as to costs.

L.NARASIMHA REDDY, J

27.04.2007
dr

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77